

DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR
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November 5, 1999

Yvette Presidente, Administration Manager
Power Systems Testing Co.
P. O. Box 6005
Hayward, CA 94540-6005

RE: Public Works Case #99-027
Riverside High School #5
Testing of Voltage Distribution Equipment

Dear Ms. Presidente:

This constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above-named project under the public works laws and is made pursuant to Title 8, California Code of Regulations section 16000(a). Based upon my review of the documents submitted and the applicable laws and regulations pertaining to public works, it is my determination that the work being done by Power Systems Testing Co. ("Power Systems") on the Riverside High School #5 project is a "public works" within the meaning of Labor Code sections 1720(a) and 1772.

Helix Electric, Inc. ("HEI") is a general contractor for the installation of voltage distribution equipment ("Project") under a contract with Riverside High School #5. HEI subcontracted with Power Systems to test the equipment after installation.

Labor Code section 1720 generally defines public works to mean "Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds..." In this case, the Project is a public works because it involves a contract between Riverside High School #5 and HEI for construction or alteration that is being paid for out of public funds. Your question is whether the testing work being done by Power Systems on the Project is covered under prevailing wage laws.

Labor Code section 1772 states: "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work." Power Systems is a subcontractor on the subject public works project.

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Therefore, consistent with precedential determinations¹ regarding this issue, the work being done by Power Systems is a public work under Labor Code section 1772.

I hope this determination satisfactorily answers your inquiry.

Sincerely,



Stephen J. Smith
Director

cc: Daniel M. Curtin, Chief Deputy Director and Acting Chief, DLSR
Marcy Vacura Saunders, Labor Commissioner
Henry P. Nunn, III, Chief, DAS
Vanessa L. Holton, Assistant Chief Counsel

¹ Precedential Public Work Determination No. 94-017A, Stoney Point Concrete Recycling Project, November 26, 1994; see also, Precedential Public Work Determination No. 95-015, Nevada County Chip Seal Program, August 14, 1995.